

# **THE TRURO CHARTER**

## **TRURO, MASSACHUSETTS**

ADOPTED: Annual Town Election, April 22, 1992

AMENDED: [Ch 181 (1993) s/October 14, 1993], Annual Town Meeting, April 20, 1993;  
[Ch 255 (1993) s/November 24, 1993], Special Town Meeting, June 29, 1993;  
[Ch 171 (1994) s/November 3, 1994], Annual Town Meeting, April 12, 1994;  
[Ch 23 (1996) s/February 16, 1996], Annual Town Meeting, April 11, 1995;  
[Ch 119 (2000) s/June 30, 2000], Annual Town Meeting, April 15, 1998/  
Special Town Meeting, June 9, 1998;  
[Ch 192 (2000) s/August 7, 2000], Annual Town Meeting, April 11, 2000

# THE TRURO CHARTER

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## **PREAMBLE**

We, the people of the Town of Truro, Massachusetts, in order to reaffirm the customary and traditional liberties in the conduct of local government and to take the fullest advantages inherent in the home rule amendment of the Constitution of the Commonwealth, do hereby adopt the following home rule charter for the Town.

## **Chapter 1 - Form of Government**

### **Section 1 - Incorporation**

- 1-1-1 The present Town of Truro, Massachusetts, within its territorial limits as established by law, shall continue to be a body corporate and politic under the name of "Town of Truro."

### **Section 2 - Branches of Government**

- 1-2-1 The legislative powers of the Town shall be vested in a Town Meeting in accordance with the provisions contained in Chapter 2 of this Charter.
- 1-2-2 The executive powers of the Town shall be vested in a Board of Selectmen in accordance with the provisions contained in Chapter 4 of this Charter.
- 1-2-3 The administrative functions of the Town shall be exercised by a Town Administrator in accordance with the provisions contained in Chapter 5 of this Charter.

### **Section 3 - Powers of the Town**

- 1-3-1 The Town shall possess, exercise and enjoy all powers possible under the Constitution and General Laws of the Commonwealth as fully and completely as though they were expressly enumerated in this Charter.
- 1-3-2 The powers of the Town under this Charter shall be construed liberally in its favor, and no specific grant of particular powers in this Charter shall limit in any measure the general grant of power under section 1-3-1 of this Charter.
- 1-3-3 The Town may enter into agreements with any governmental division or agency of any municipality, county, the Commonwealth, other state, or the United States to perform jointly, by contract or otherwise, any of its powers or functions, and may jointly participate in the financing thereof.

### **Section 4 - General Provisions**

- 1-4-1 To the extent that any specific provision of this Charter may conflict with any provision expressed in general terms, the specific provision shall prevail.
- 1-4-2 If any provision of this Charter is held invalid, such invalidity shall not affect any other provision of this Charter which can be given effect without the invalid provision, and to this end, the provisions of this Charter are severable.
- 1-4-3 This Charter may be replaced, revised, or amended in accordance with the Constitution and General Laws of the Commonwealth.
- 1-4-4 The provisions of this Charter shall not be waived. If any provision of this charter is not enforced in any instance for whatever reason, it shall not be construed as a reason for nor a precedent set to avoid or prevent subsequent enforcement of such provision. (119/2000)

## **Chapter 2 - The Legislative Branch: Town Meeting**

### **Section 1 - Conduct of the Town Meeting**

- 2-1-1 The legislative powers of the Town shall be vested in a Town Meeting which shall consider and act upon, with or without amendments, all operating budgets, capital budgets, bond issues or other financial matters, all proposed By-laws or amendments to By-laws, and any other business which may properly come before it.
- 2-1-2 The Annual Town Meeting shall be held in each year on the last Tuesday in April.  
(255/1993,192/2000)
- 2-1-3 A Special Town Meeting shall be held at the call of the Board of Selectmen; or, upon petition on an approved form signed by 200 of the registered voters of the Town, the Board of Selectmen shall call a Special Town Meeting to be held within 45 days. (119/2000)
- 2-1-4 A quorum for Town Meeting shall be 100 registered voters as listed at the close of the registration period for Town Meeting. If a quorum is not reached, the Moderator shall adjourn the meeting to a stated date, time, and place which shall be within seven days.  
(181/1993,119/2000)
- 2-1-5 Elected officials, the Town Administrator, division and department heads, and chairpersons of multi-member bodies, or their designated representatives, shall attend Town Meeting in order to provide information when an article or articles which may affect their particular office or function are included in the warrant. If any person so required to attend Town Meeting in accordance with this section is not a resident of the Town, such person shall be allowed to address the Town Meeting.

### **Section 2 - The Moderator**

- 2-2-1 A Moderator shall be elected in accordance with section 3-1-1 of this Charter and shall preside at Town Meeting.
- 2-2-2 The Moderator shall conduct the proceedings of Town Meeting in accordance with the latest revised edition of Town Meeting Time, unless otherwise provided by General Laws, this Charter, or By-laws.
- 2-2-3 If the Moderator is absent, an acting Moderator shall be elected in accordance with the latest revised edition of Town Meeting Time until such time as the Moderator returns.

2-2-4 The Moderator shall appoint a Finance Committee in accordance with the provisions of Chapter 6. The Finance Committee shall act in an advisory capacity to the legislative branch, the Town Meeting. *(119/2000)*

2-2-5 **Deleted** *(119/2000)*

### **Section 3 - The Warrant**

2-3-1 The warrant for the Town Meeting shall be prepared by the Board of Selectmen and shall incorporate the appropriate recommendations in accordance with sections 2-3-7 and 2-3-9 of this Charter. *(119/2000)*

2-3-2 The warrant for Annual Town Meeting shall include all articles submitted by duly elected and appointed multi-member bodies; the warrant for a Special Town Meeting may include such articles. All Town Meeting articles petitioned by registered voters shall be submitted in accordance with sections 2-3-3 and 2-3-4 of this Charter. *(119/2000)*

2-3-3 A petition on an approved form and signed by ten registered voters of the Town shall secure inclusion of an article in the warrant of the Annual Town Meeting. A petition on an approved form and signed by 100 registered voters of the Town shall secure inclusion of an article in the warrant of a Special Town Meeting. Sufficient guidance shall be provided by the Board of Selectmen to the petitioners to ensure that the petitioned article is in the proper form to secure inclusion in the warrant. *(119/2000)*

2-3-4 The warrant shall be opened for submission of articles 90 days before the date of the Annual Town Meeting and shall remain open for 30 days. The warrant for a Special Town Meeting shall be opened and closed as determined by the Board of Selectmen, except the period between opening and closing the warrant shall not be less than seven days. *(119/2000)*

2-3-5 The Board of Selectmen shall ensure that the warrant is posted and sufficient copies are available at least 14 days before the date of a Town Meeting. Posting shall be made by the Constable in Town Hall, the United States Post Offices, and two other public places in Truro and two other public places in North Truro. The warrant shall be made available to the voters at Town Hall, the Central School, the Public Library, the Transfer Station and any other locations deemed appropriate by the Board of Selectmen. *(119/2000)*

2-3-6 In the Annual Town Meeting warrant, the proposed operating budget shall be presented in a single article placed before any other article involving the appropriation, transfer or borrowing of funds. This article shall be followed directly by an article, or series of articles, involving proposed capital expenditures and related matters. These articles shall be followed immediately by any other articles involving the appropriation, transfer or borrowing of funds. In a Special Town Meeting warrant the Board of Selectmen shall determine the order of all articles. *(119/2000)*

2-3-7 The Finance Committee shall state in the warrant or at Town Meeting its recommendation

and recorded vote for any article calling for the appropriation, transfer, or borrowing of funds before it shall be acted upon by the Town Meeting. Any article not receiving a recommendation as required by this provision may only be considered and acted upon with the approval, by two-thirds vote, of the Town Meeting, unless otherwise provided by the General Laws. The recommendation required by this section shall be made in accordance with section 7-1-5 of this Charter. (119/2000)

- 2-3-8 Any article sponsored by a multi-member body shall state in the warrant the sponsor's recommendation and recorded vote before it shall be acted upon by the Town Meeting. Any article not receiving a recommendation as required by this provision may only be considered and acted upon only with the approval, by two-thirds vote, of the Town Meeting, unless otherwise provided by the General Laws. (119/2000)

[Note: Original 2-3-8 deleted/ original 2-3-9 is now 2-3-8] (119/2000)



## **Chapter 3 - Elections and Recall**

### **Section 1 - Elected Officials**

3-1-1 A Moderator shall be elected for a three-year term.

### **Section 2 - Conduct of the Elections**

3-2-1 The Annual Election for all elected town offices shall be by official ballot held each year on the second Tuesday in May. *(119/2000)*

3-2-2 All Town Elections shall be non-partisan and election ballots shall be printed without any party designation whatsoever.

3-2-3 Only registered voters of the Town shall be eligible for any elected office or elected multi-member body of the Town. *(119/2000)*

3-2-4 No person shall be a candidate for, or hold concurrently, more than one elected Town office. Service as a representative from the Town to a governmental body other than the Town shall not be prohibited by this provision. *(181/1993,171/1994)*

### **Section 3 - Taking Office**

3-3-1 Persons duly elected to any office or multi-member body shall forthwith be sworn to the faithful performance of their duties by the Town Clerk and shall immediately take up the duties of the office or the multi-member body.

### **Section 4 - Recall of Elected Officials**

3-4-1 Persons duly elected to any office or multi-member body may be recalled by recall petition and special election in accordance with Chapter 204 of the Massachusetts Acts of 1985, "An Act Authorizing the Town of Truro to Recall Elected Officials," as may be amended from time to time.

## **Chapter 4 - The Executive Branch: Board of Selectmen**

### **Section 1 - The Board of Selectmen**

- 4-1-1 The executive powers of the Town shall be vested in a Board of Selectmen of five members who shall be elected in accordance with the provisions of Chapter 6 of this Charter.
- 4-1-2 A vacancy in the office of Selectmen shall be filled by special election in accordance with provisions of General Law.
- 4-1-3 Members of the Board of Selectmen may receive such honoraria as may be authorized and appropriated by the Annual Town Meeting.

### **Section 2 - Executive Powers**

- 4-2-1 The Board of Selectmen shall act in its executive capacity as the chief goal-setting, policy-making and long-range planning body of the Town and as such shall regularly provide direction to the Town Administrator who shall administer the day-to-day affairs of the Town in accordance with such goals, policies, or plans.
- 4-2-2 Any goal, policy, plan, or official act adopted by the Board of Selectmen shall be made in writing, the text of which shall be included in its entirety in the minutes of the meeting at which it is adopted, the Board shall cause a current reference copy to be available to the public in the office of the Town Clerk. A file containing the Board of Selectmen's current policies and goals shall be readily available at Town Hall for public reference. *(119/2000)*
- 4-2-3 The Board of Selectmen shall have the power to enact rules and regulations establishing Town policies not otherwise governed by General Law, this Charter, or By-law, provided, however, that whenever an appropriation shall be necessary to implement such action, the vote of the Board of Selectmen shall be effective only if such appropriation has been authorized by the Town Meeting.
- 4-2-4 The Board of Selectmen shall cause to be compiled and published an Annual Town Report for each calendar year; such report shall be available at least 14 days before the next Annual Town Meeting; it shall include reports from all elected and appointed Town Officials, department heads and multi-member bodies. The Moderator shall be excepted from submitting a report. *(119/2000)*
- 4-2-5 The Board of Selectmen shall cause the laws and orders of the government of the Town to be enforced.
- 4-2-6 The Board of Selectmen shall serve as the custodian of all Town-owned property, unless otherwise provided by the General Laws, and shall plan for its preservation, maintenance, and protection, and shall plan for the timely replacement of capital facilities and infrastructure. *(181/1993, 119/2000)*
- 4-2-7 The Board of Selectmen shall have the sole authority to enter into contracts for the Town

unless otherwise provided for in General Law or By-law. The exception is where contracts are funded within the school budget, such contracts shall be signed by the Superintendent of Schools or the School Committee, whichever is appropriate in accordance with the General Laws. (119/2000)

4-2-8 The Board of Selectmen shall act as the Commissioners of Public Safety in accordance with General Law.

4-2-9 The Board of Selectmen shall act as the licensing authority of the Town and shall have the power and responsibility required to issue licenses and to make all necessary rules and regulations regarding the issuance of such licenses, and to attach conditions and impose such restrictions as it considers to be in the public interest, and to enforce, or cause to be enforced, the law, rules, and regulations relating to all businesses to which it issues licenses, with the exception of public health licenses issued by the Board of Health or unless otherwise provided by the General Laws. (119/2000)

4-2-10 The Board of Selectmen shall act as the collective bargaining agent for the Town unless otherwise provided by the General Laws. It shall appoint a collective bargaining team which shall consist of not less than two selectmen, the Town Administrator, and those department heads whose employees shall be subject to the collective bargaining agreement. The Board of Selectmen may use professional assistance on the collective bargaining team. The collective bargaining team shall appoint one of its members to serve as the negotiator. (119/2000)

4-2-11 The Board of Selectmen shall annually, during the month of June, hold a meeting for the purpose of stating the Board's goals for the coming fiscal year. The Board will revisit its goals for the year concluding and review its accomplishments relative to those goals. This presentation is to be followed by a question and answer session led by the Town Moderator. All Town Officials, Department Heads and Chairpersons of multi-member bodies shall attend. The meeting and its agenda shall be advertised in one or more local papers and the general public shall be invited. (119/2000)

### **Section 3 - Powers of Appointment**

4-3-1 The Board of Selectmen shall appoint:

Town Administrator

Public Safety Personnel:

Police Chief and Officers

Board of Fire Engineers

Civil Defense Director

Constables

Town Counsel

(119/2000)

4-3-2 The Board of Selectmen shall appoint all members to all appointed multi-member bodies, except those to be appointed by the Moderator in accordance with sections 2-2-4 and 6-4-3

of this Charter, and shall appoint all appointed representatives to governmental bodies other than the Town except when otherwise provided by inter-municipal agreements. All appointments are to be made in accordance with the provisions of Chapter 6 of this Charter.  
(181/1993,119/2000)

#### **Section 4 - Powers of Investigation**

- 4-4-1 The Board of Selectmen may conduct investigations and may authorize the Town Administrator or other agent to investigate the affairs of the Town and the conduct of any Town department, office, agency or official, including any doubtful claims against the Town. The subject of any such investigation shall be informed of the conduct of the investigation, and a comprehensive and inclusive report of the investigation shall be placed on file in the office of the Town Clerk.  
(119/2000)

#### **Section 5 - Limitations**

- 4-5-1 Members of the Board of Selectmen shall possess no individual authority.
- 4-5-2 Except for the purposes of investigation in accordance with section 4-4-1 of this Charter, the Board of Selectmen shall deal with employees who are subject to the direction and supervision of the Town Administrator solely through the Town Administrator, and neither the Board nor its members shall give orders to any such employee, the single exception being the Administrative Secretary who reports both to the Town Administrator and the Board of Selectmen.  
(119/2000)
- 4-5-3 No member of the Board of Selectmen may be elected or appointed to any other Town office or multi-member body, except in accordance with section 6-2-11 of this Charter. Service as a representative from the Town to a governmental body other than the Town shall not be prohibited by this provision.  
(119/2000)

## **Chapter 5 - Administration: The Town Administrator**

### **Section 1 - Appointment**

- 5-1-1 The Board of Selectmen shall, by an affirmative vote of at least four of its five members appoint a Town Administrator whose terms of employment shall be set by negotiated employment contract. (119/2000)
- 5-1-2 **Deleted** (119/2000)
- 5-1-3 The Board of Selectmen shall search for candidates for the position of Town Administrator by placing an advertisement in the International City/County Management Association (ICMA) Newsletter or one other similar professional publication and at least two newspapers having state-wide or regional distribution. (119/2000)

### **Section 2 - Qualifications**

- 5-2-1 The Town Administrator shall be appointed on the basis of educational and professional qualifications.
- 5-2-2 The minimum educational qualifications shall include at least a bachelor's degree, preferably in public administration, granted by an accredited degree-granting college or university. This educational qualification may be waived by a 4-1 vote of the Board of Selectmen. (119/2000)
- 5-2-3 The minimum professional qualifications shall include at least three years compensated service in public administration at a managerial level, provided that the educational qualification required by section 5-2-2 of this Charter is in public administration. If the educational qualification required by section 5-2-2 of this Charter is not in public administration, the professional qualifications shall include at least six years compensated service in public administration, with at least three of those years at a managerial level. If the minimum educational qualification required by subsection 5-2-2 is waived by the Board of Selectmen, the professional qualification shall include at least nine years compensated service in public administration with at least six at a managerial level. (119/2000)

### **Section 3 - Powers and Duties**

- 5-3-1 The Town Administrator shall be the chief administrative officer of the Town and shall be responsible for administering and coordinating all appointed Town employees, offices, and departments in accordance with section 4 and section 5 of this chapter, unless otherwise provided by the General Laws. (119/2000)
- 5-3-2 The Town Administrator shall devote full time to the duties of the office and shall not hold

any other public office, elected or appointed, nor be engaged in any other business, occupation, or profession while serving in such office, unless such action is approved in advance and in writing by the Board of Selectmen.

5-3-3 The powers and duties of the Town Administrator shall include, but not be limited to the following:

- (a) To attend all meetings of the Board of Selectmen, unless excused at the Town Administrator's request, and to possess the right to speak, but not vote, at all such meetings;
- (b) To keep the Board of Selectmen fully informed as to the needs and problems of the Town, and to recommend to the Board of Selectmen, as the Town Administrator deems necessary or expedient, such measures which require action by the Board of Selectmen;
- (c) To prepare and present to the Board of Selectmen an annual draft operating budget and proposed capital expenditures budget, in accordance with the provisions contained in Chapter 7 of this Charter;
- (d) To administer the annual operating budget and capital expenditures budget as voted by Town Meeting to ensure all such funds are expended or committed in accordance with General Law, this Charter, By-law, or Town Meeting Vote;
- (e) To represent the Town in its relations with federal, state, and local units of government as directed by the Board of Selectmen;
- (f) To keep the Board of Selectmen fully informed as to the availability of all sources of outside funding, both public and private, including, but not limited to, intergovernmental grants, so-called "in-lieu-of-taxes" payments, gifts, bequests, contributions or otherwise, giving special consideration to the relationship between such funding sources and the needs and goals of the Town, both short and long range;
- (g) To be the Chief Procurement Officer responsible for purchasing for all Town offices or departments, except that the School Superintendent will be designated as the Procurement Officer for all supplies and services purchased for the School Department. (119/2000)
- (h) To possess the right to attend any regular meeting of any multi-member body of the Town, and to possess the right to speak, but not vote, at any such meeting. (119/2000)
- (i) To inform the Board of Selectmen regarding vacancies in Town offices and multi-member bodies which are appointed by the Board of Selectmen;
- (j) To develop and maintain a full and complete inventory of all real and personal

property owned by the Town in excess of a certain value to be determined by the Board of Selectmen and the Finance Committee; (119/2000)

(k) To be responsible for personnel administration in accordance with section 5 of this chapter;

(l) To perform such other duties as may be required by General Law, this Charter, By-law, Town Meeting vote, or by vote of the Board of Selectmen.

#### **Section 4 - Powers of Appointment**

5-4-1 The Town Administrator shall make appointments on the basis of merit and fitness alone, and may suspend or remove, in accordance with section 8-2-1 of this Charter, Town officials or employees who are subject to the direction and supervision of the Town Administrator.

5-4-2 After consultation with the Board of Selectmen, the Town Administrator shall appoint the following, subject to the provisions of section 5-5-4 of this Charter: (119/2000)

Director of Public Works	Beach Commission Supervisor
Town Accountant	Golf Course Manager
Building Commissioner	Recreation Director
Deputy Assessor	Harbormaster
Administrative Secretary	Town Clerk
Licensing Agent	Town Treasurer
Agent to the Zoning Board of Appeals	Collector of Taxes
Agent to the Board of Health	Council on Aging Director

(171/1994,119/2000)

5-4-3 After consultation with the appropriate elected officials, supervisors, department heads or multi-member bodies, the Town Administrator shall appoint all full-time, part-time or seasonal employees, except those of the Police Department, the Fire Department or the School Department.

5-4-4 The Town Administrator shall appoint all inspectors, wardens, or other individual appointments as may be delegated to the Town Administrator by the Board of Selectmen.

5-4-5 All appointments for regular full-time and regular part-time employees made by the Town Administrator shall be subject to disapproval by a majority vote of the Board of Selectmen, provided that such a vote is taken prior to the date of the appointment. (119/2000)

5-4-6 The Town Administrator shall appoint, as needed, the director, clerk, and employees of the Council on Aging, notwithstanding the provision of section eight B of chapter 40 of the General Laws. (181/1993)

#### **Section 5 - Personnel Administration**

- 5-5-1 The Town Administrator shall, in conjunction with the Board of Selectmen, administer and enforce the Personnel By-law and any other personnel rules or regulations adopted by the Town or by collective bargaining agreements. (119/2000)
- 5-5-2 The Town Administrator shall, in conjunction with the Board of Selectmen, develop and maintain a personnel plan establishing the staffing requirements of all Town departments or offices, except for those of the School Department. (119/2000)
- 5-5-3 The Town Administrator shall, in consultation with the Board of Selectmen, cause to be written, approved, signed, and maintained in a current file attendance records and job descriptions, which shall include appropriate qualifications and compensation schedules, for all appointed officials and employees. The Town Administrator shall annually review compensation schedules and shall make recommendations regarding modification of the schedules to the Board of Selectmen. (119/2000)
- 5-5-4 The Town Administrator may, with the approval of the Board of Selectmen, establish, reorganize, consolidate, or abolish any positions which are subject to the direction and supervision of the Town Administrator, except as otherwise provided by General Law or By-law. The creation of any new position under this section shall not become effective until the position has been funded by Town Meeting. (119/2000)

#### **Section 6 - Vacancy**

- 5-6-1 The Board of Selectmen shall fill a vacancy which arises in the office of the Town Administrator as soon as possible, but no later than six months after such a vacancy occurs. The Board may appoint a Screening Committee to assist them in the search and hiring process. (119/2000)
- 5-6-2 The Board of Selectmen shall forthwith appoint an Acting Town Administrator to exercise the rights and to perform the duties of the Town Administrator during any vacancy in the office of the Town Administrator due to temporary absence, suspension, removal, resignation, or death. The appointment of the Acting Town Administrator shall be for a period not to exceed ninety days, and the appointment may be renewed only once for an additional period not to exceed ninety days. The appointee under this section shall not be precluded from permanent appointment to the position of Town Administrator, provided that such appointment is made in accordance with section 1 and section 2 of this chapter.
- 5-6-3 No member of the Board of Selectmen shall be eligible for appointment to the position of Acting Town Administrator. (119/2000)
- 5-6-4 Compensation for the acting Town Administrator shall be determined by the Board of Selectmen. (119/2000)

#### **Section 7- Deleted**

(119/2000)

### **Chapter 6 - Multi-member Bodies; Elected and Appointed**



## **Section 1 - Powers**

- 6-1-1 All multi-member bodies shall possess and exercise all powers given to them under the Constitution and General Law of the Commonwealth, and shall have and exercise such additional powers and duties as may be granted or delegated by the Board of Selectmen, this Charter, By-law, or vote of the Town Meeting. *(119/2000)*
- 6-1-2 Any appointed multi-member body whose powers or purpose are not clearly defined under the Constitution and General Laws of the Commonwealth, this Charter, By-law or vote of Town Meeting shall have a written charge by the Board of Selectmen to define such powers and purpose provided such charge is consistent with the intent for which the multi-member body was created. *(119/2000)*

## **Section 2 - Organization and Procedures**

- 6-2-1 All multi-member bodies shall organize annually, elect a chairperson and other necessary officers, adopt rules of procedure and voting, maintain minutes and all other records of proceedings, copies of which shall be a public record and shall be filed promptly with the Town Clerk, and shall annually submit a report for inclusion in the annual town report.
- 6-2-2 All multi-member bodies shall conduct their meetings in accordance with the open meeting provisions of General Law.
- 6-2-3 A quorum for all multi-member bodies shall consist of a majority of the full complement of the body.
- 6-2-4 Any person duly elected or appointed to a multi-member body shall forthwith be sworn by the Town Clerk to the faithful performance of his or her duties, shall take up the duties of the office immediately and shall carry out their responsibilities in accordance with General Law, this Charter, and By-law.
- 6-2-5 All multi-member bodies shall consist of an uneven number of members, no fewer than three. The Board of Selectmen or Town Meeting may increase or decrease the number of members to serve on multi-member bodies, unless such number is otherwise established by the General Laws or this Charter. *(119/2000)*
- 6-2-6 Members of multi-member bodies shall be elected or appointed for three-year overlapping terms, unless such term is otherwise established by General Law, with at least one member being elected or appointed each year.
- 6-2-7 **Deleted** *(119/2000)*
- 6-2-8 Except as provided in this Charter, nothing shall be deemed to prevent or prohibit a compensated Town employee from serving on a multi-member body, provided that such employee not be under the general policy or administrative direction of such body, with the exception of the firefighting or rescue employees who may serve on the Board of Fire

Engineers.

6-2-9 During a member's term on a multi-member body, no member may hold a paid position or be awarded a contract under the general policy or administrative direction of such body, except for the Board of Fire Engineers who may be compensated for work performed in the execution of firefighting or rescue duties under the direction of the Board of Fire Engineers. (119/2000)

6-2-10 Vacancies on multi-member bodies shall be filled in accordance with General Law and in accordance with the provisions of this Charter by the Board of Selectmen or other appointing authority as may be established by General Law, this Charter, By-law or vote of the Town Meeting. If the vacancy is not filled within forty-five days of the notification of the vacancy by the Chairman of the multi-member body, the vacancy shall be filled by the remaining members of the body.

6-2-11 The Board of Selectmen may appoint any two of their members as ex-officio members without a vote, to any multi-member body unless prohibited by the General Laws. (119/2000)

### **Section 3 - Elected Multi-member Bodies**

6-3-1 The multi-member bodies listed in appendix B part 1 shall be elected in accordance with subsections 3-2-3 and 6-2-6 of this Charter. (119/2000)

### **Section 4 - Appointed Multi-member Bodies**

6-4-1 All appointed multi-member bodies which exist as of the effective date of this Charter Review shall continue to exist and shall be subject to section 2 of this chapter. (119/2000)

6-4-2 The multi-member bodies listed in appendix B part 2 shall be appointed by the Board of Selectmen in accordance with sections 4-3-2 and 6-2-6 of this Charter. (119/2000)

6-4-3 The moderator shall in accordance with sections 2-2-4 and 6-2-6 of this Charter appoint a Finance Committee of five members who shall be voters and shall not hold elected office nor be a candidate for elected office in the Town of Truro. (119/2000)

6-4-4 The Town Meeting or the Board of Selectmen may from time to time establish other multi-member bodies for particular purposes. The appointment of ad hoc committees by the Board of Selectmen shall be made only for specific and immediate purposes, and any such committee shall be appointed for a definite period of time, not to exceed two years. Should

the particular purpose for which an ad hoc committee was created not be resolved at the expiration of the two-year appointment, such committee may be reappointed for an additional one-year period. (119/2000)

- 6-4-5 Any multi-member body created by Town Meeting shall continue to exist until dissolved by vote of the Town Meeting, unless the vote creating such body provides for a definite time of dissolution. (119/2000)
- 6-4-6 Any multi-member body created by the Board of Selectmen, except those ad hoc committees as may be appointed in accordance with section 6-4-4 of this Charter, shall continue to exist until dissolved by the Board of Selectmen, unless the vote creating such body provides for a definite time of dissolution. (119/2000)
- 6-4-7 The absence of a member or alternate member for four consecutive meetings of an appointed multi-member body shall serve to vacate the office, unless such absence is approved by a vote of the multi-member body. The Chairman of the body shall forthwith notify the appointing authority that such vacancy has occurred. The vacancy shall be filled in accordance with section 6-2-10 of this Charter and the appointee shall complete the vacant unexpired term. (119/2000)

## **Chapter 7 - Financial Procedures**

### **Section 1 - The Annual Budget**

- 7-1-1 On or before October 15 of each year, the Town Administrator shall establish and, upon the approval of the Board of Selectmen, shall transmit to all department heads and budget managers a schedule for delivery of the annual operating budget and capital improvement plan for the ensuing fiscal year.
- 7-1-2 On or before December 15 of each year, the Town Administrator shall submit to the Board of Selectmen the following:
- (a) A draft budget of the probable expenditures of the Town government, including the draft school budget, for the ensuing fiscal year, together with an estimate of such expenditures for the current fiscal year and a statement of such expenditures for the two preceding fiscal years; *(119/2000)*
  - (b) Revenue projections for the ensuing fiscal year, together with an estimate of such revenues for the current fiscal year and a statement of such revenues for the two preceding fiscal years;
  - (c) The draft budget document for the ensuing year shall:
    - (1) Include a financial summary listing all proposed expenditures, show the tax levy limit, disclose the source of any additional revenues, and itemize the Town's reserves;
    - (2) Explain the budget in terms of service changes or major expenditure changes and outline the reasons for such changes;
    - (3) Indicate any major changes from the current fiscal year in financial policies together with the reasons for such changes;
    - (4) Summarize the Town's debt position and projections;
    - (5) Include such other material deemed to be appropriate. *(119/2000)*
- 7-1-3 On or before January 15 of each year, the Board of Selectmen shall submit to the Finance Committee proposed budgets for the ensuing fiscal year, including the School Budget, as submitted by the School Committee, and these proposals which shall include a budget summary as outlined in subsection 7-1-2 and recommendations. *(119/2000)*
- 7-1-4 On or before March 15 of each year, the Finance Committee shall hold at least one public hearing on the proposed budgets, including the school budget, for the ensuing fiscal year.
- 7-1-5 At least 14 days prior to the Annual Town Meeting, the Finance Committee shall issue in

printed form its recommendations and explanations. Copies of the printed recommendations and explanations shall be available in accordance with subsection 2-3-5 of this Charter.

*(119/2000)*

- 7-1-6 The Board of Selectmen shall present the proposed budget to the Annual Town Meeting, which shall consider such budget with or without amendments for the ensuing fiscal year.

## **Section 2 - The Capital Improvement Plan**

- 7-2-1 On or before December 15 of each year, the Town Administrator shall submit to the Board of Selectmen a five-year capital improvement plan that shall include:

- (a) A clear summary of its contents;
- (b) A list, together with supporting data, of all capital improvements proposed to be undertaken in the next five years; such list to include all capital improvements of the School Department and those resulting from any inter-municipal or regional agreements. Such list shall detail proposed:
  - (1) Acquisition of new land, facilities, vehicles, and equipment; *(119/2000)*
  - (2) Construction and expansion of existing facilities;
  - (3) Major maintenance and repairs of facilities, vehicles and equipment;
  - (4) Replacement program for existing equipment and vehicles;
- (c) Cost estimates, methods of financing, and recommended timetables;
- (d) Estimated annual operating costs including maintenance for newly acquired or constructed facilities.

- 7-2-2 The capital improvement plan shall be revised and extended each year regarding capital improvements pending or in the process of acquisition or construction.

- 7-2-3 On or before January 15 of each year, the Board of Selectmen shall submit to the Finance Committee the capital improvement plan together with its recommendations thereon.

- 7-2-4 The public hearing on the budget to be held by the Finance Committee in accordance with section 7-1-4 of this Charter shall include a consideration of the capital improvement plan.

- 7-2-5 At least fourteen days prior to the Annual Town Meeting, the Finance Committee shall issue its printed recommendations and explanations of the capital improvement plan. Copies of the printed recommendations and explanations shall be available at the Town Hall.

- 7-2-6 The Board of Selectmen shall make available a printed copy of the proposed five year capital plan to all voters at the Annual Town Meeting. *(119/2000)*

### **Section 3 - Collections and Disbursements**

- 7-3-1 Except as may otherwise be established by General Law, the Town Treasurer/Collector shall be responsible for the timely and prudent collection and deposit in the Town treasury of all monies and fees collected or received by any person acting in any capacity for the Town.  
(119/2000)
- 7-3-2 Warrants for the expenditure of Town funds, prepared and signed by the Town Accountant in accordance with General Law and not exceeding an amount fixed by the Board of Selectmen, shall be approved by the Town Administrator. Approval of the Board of Selectmen shall be required for expenditures in excess of the amount fixed by it.

### **Section 4 - Lapse of Appropriations**

- 7-4-1 Every amount appropriated by Town Meeting for each fiscal year shall lapse at the end of that fiscal year to the extent that it has not been expended or encumbered.

### **Section 5 - Financial Audits**

- 7-5-1 At least every other fiscal year, the Board of Selectmen shall retain a Certified Public Accountant or accounting firm to audit all accounts, books, and records of financial transactions of all Town agencies, offices, and departments, including the School Department. The necessity for any additional audits shall be determined by the Finance Committee.
- 7-5-2 A copy of the auditor's report and recommendations shall be a public record filed with the Town Clerk.  
(119/2000)

## **Chapter 8 - Removals and Suspensions**

### **Section 1 - Elected Officials**

- 8-1-1 Suspension and/or removal from elected office shall be accomplished in accordance with section 3-4-1 of this Charter. (119/2000)

### **Section 2- Appointed Paid Employees of the Town**

- 8-2-1 Any appointed paid employee of the Town, whether appointed for a fixed or indefinite term, may be suspended or removed from office by the appointing authority for good cause necessary to protect the interests of the Town. Good cause shall include, but not be limited to the following:

- (a) Incapacity other than temporary illness;
- (b) Inefficiency and/or inability to perform assigned tasks;
- (c) Insubordination and/or refusal to carry out lawful instructions;
- (d) Conduct unbecoming to the office and/or which reflects adversely upon the Town.

Suspension and/or removal from office shall be accomplished in accordance with General Law, Town Personnel By-law, employment contract, or collective bargaining agreement.

- 8-2-2 Nothing in this section shall be construed as granting any specific rights of appeal when a person who has been appointed for a fixed term is not reappointed when the fixed term expires.

### **Section 3 - Appointed Non-paid Officials, Officers, or Members of Multi-member Bodies**

- 8-3-1 Any appointed official, officer, or member of a multi-member body, whether appointed for a fixed or indefinite term, may be suspended or removed from office by the appointing authority for good cause necessary to protect the interests of the Town. Good cause shall include, but not be limited to the following:

- (a) Incapacity other than temporary illness;
- (b) Inefficiency and/or inability to perform assigned tasks;
- (c) Insubordination and/or refusal to carry out lawful instructions;
- (d) Conduct unbecoming to the office and/or which reflects adversely upon the Town.

- 8-3-2 No suspension shall be effective for more than fifteen days. Suspension may be

conterminous with removal and shall not interfere with the rights of the individual under the following procedure: (119/2000)

- (a) Written notice of the intent to remove and a statement of the cause or causes therefor shall be delivered by hand, or by certified mail, addressee only, return receipt requested, to the last known address of the person sought to be removed.

(119/2000)

- (b) Within five days following the receipt of the notice, the individual may file a written request for a hearing before the Board of Selectmen, at which said individual may be represented by counsel, shall be entitled to present evidence, call witnesses, and question the appointing authority whose action has resulted in the hearing and any witnesses appearing at the hearing. This hearing shall be held within fourteen days of the receipt by the Board of Selectmen of the written request for such hearing.

(119/2000)

- (c) Within ten days of the hearing, the Board of Selectmen shall make a decision to either remove or reinstate the individual and so notify the person of its action. A record of the hearing and the action taken shall be made by the Board of Selectmen.

(119/2000)

8-3-3 Nothing in this section shall be construed as granting a right to a hearing held in accordance with section 8-3-2 of this Charter when a person who has been appointed for a fixed term is not reappointed when the fixed term expires.

#### **Section 4 - The Town Administrator**

8-4-1 The Board of Selectmen, by the affirmative vote of at least three members, may initiate the removal of the Town Administrator by making a resolution to that effect, provided that no such resolution be adopted within sixty days following any Town election. Such a resolution shall state the reason therefore, and shall be adopted only at a regularly scheduled public meeting of the Board of Selectmen and in open session.

8-4-2 The adoption of a resolution in accordance with section 8-4-1 of this Charter shall serve to suspend the Town Administrator for not more than forty-five days, during which the salary shall continue to be paid. A copy of the resolution shall be delivered in hand forthwith to the Town Administrator or sent by certified mail return receipt requested to the last known address of the Town Administrator. (119/2000)

8-4-3 Within five days following the receipt of a resolution adopted in accordance with section 8-4-1 of this charter, the Town Administrator may file a written request for a hearing before the Board of Selectmen. Upon receipt of such request, the Board of Selectmen shall schedule a hearing within two weeks. At least seven days prior to the hearing, the Board of Selectmen shall advertise the hearing in a newspaper of general circulation and shall cause identical notices stating the purpose, location, time and date to be posted in the Town Hall and both United States Post Offices.



- 8-4-4 The Town Moderator, or the Moderator's designee if the Moderator is unable to attend, shall preside at a hearing held in accordance with section 8-4-3 of this Charter.
- 8-4-5 At a hearing held in accordance with section 8-4-3 of this Charter, the reasons for the resolution to remove adopted in accordance with section 8-4-1 of this Charter shall first be read aloud. The Town Administrator shall then have the right to respond either personally or through counsel, and shall have the power to compel testimony and subpoena any witnesses or Town records.
- 8-4-6 Final removal of the Town Administrator shall be effected only by an affirmative vote of at least four members of the Board of Selectmen, in open session at a public meeting of the Board of Selectmen, the time and place of which shall be announced in advance and which shall be held within seven days if a public hearing was held in accordance with section 8-4-3 of this Charter. If no public hearing was requested, final removal of the Town Administrator shall be effected only by the affirmative vote of at least four members of the Board of Selectmen, in open session at a public meeting of the Board of Selectmen, the time and place of which shall be announced in advance and which shall be held within fourteen days after the adoption of the resolution to remove in accordance with section 8-4-1 of this Charter.  
(119/2000)
- 8-4-7 In the event of a vote for final removal in accordance with section 8-4-6 of this Charter, the salary of the Town Administrator shall continue to be paid for sixty days following the vote for final removal, or in accordance with the termination clause in the Town Administrator's contract.

## **Chapter 9 - Transitional Provisions**

### **Section 1 - Effective Date**

9-1-1 Deleted (119/2000)

9-1-2 This Charter shall become fully effective July 1, 1993.

9-1-3 Deleted (119/2000)

9-1-4 Deleted (119/2000)

### **Section 2 - Continuation of Existing Laws**

9-2-1 All General Laws, special laws, Town By-laws, votes, rules and regulations of or pertaining to the Town which are in full force and effect at the time of the election at which this Charter is adopted, and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law, or until they expire by their own limitation.

### **Section 3 - Continuation of Government**

9-3-1 Members of all Town agencies, offices, and departments shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or until their duties have been transferred or assumed by another Town agency, office, or department in accordance with the provisions of this Charter.

### **Section 4 - Continuation of Administrative Personnel**

9-4-1 Any person holding an office or position in the administrative service of the Town, and any person serving in the employment of the Town, shall retain such office or position and shall continue to perform their duties unless provisions are made in accordance with this Charter for the performance of such duties by another person, agency, office, or department provided, however, that no person in the full-time service or employment of the Town shall forfeit their pay grade or time of service.

**Section 5** Deleted (119/2000)

**Section 6** Deleted (119/2000)

**Section 7** Deleted (119/2000)

### **Section 8 - Multi-member Bodies**

- 9-8-1 **Deleted** (119/2000)
- 9-8-2 **Deleted** (119/2000)
- 9-8-3 **Deleted** (119/2000)
- 9-8-4 **Deleted** (119/2000)

9-8-5 Terms of service on multi-member bodies prior to or in progress at the time of the election at which this Charter is adopted shall not be counted as terms of service in accordance with section 6-2-7 of this Charter.

### **Section 9 - Charter and By-law Revision**

- 9-9-1 **Deleted** (119/2000)
- 9-9-2 **Deleted** (119/2000)

9-9-3 In April of the fifth year following the election at which this Charter is adopted and every fifth year thereafter a Charter and By-law Review Committee of seven members shall be appointed by the Board of Selectmen for one year. Such committee shall make recommendations for the revision or amendment of this Charter or of the By-laws to the next Annual Town Meeting, such revisions or amendments to be made in accordance with General Law, this Charter, and By-law, and shall be discharged upon making such recommendations to the Annual Town Meeting. Following the adoption of any revisions or amendments made in accordance with this section, the Board of Selectmen shall cause to be printed a copy of the revised or amended Charter and/or By-laws and shall cause a current reference copy of both to be available in the office of the Town Clerk.

9-9-4 Nothing in this Charter shall be construed as to prevent changes from being made to it in accordance with section 1-4-3 of this Charter and Chapter 43B of the General Laws. (See Appendix C)

### **Section 10 - Transfer of Records and Property**

9-10-1 All records, property and equipment of any agency, office or department, or of any part thereof, the powers and duties of which are reassigned in whole or in part to another agency, office, or department shall be transferred forthwith to the agency, office or department to which such powers and duties are reassigned.

## **Appendix A - Definitions**

<b>By-laws:</b>	shall refer to all By-laws of the Town of Truro.
<b>Charter:</b>	shall refer to the Home Rule Charter for the Town of Truro.
<b>days:</b>	shall mean calendar days, unless otherwise noted.
<b>General Laws:</b>	shall mean the General Laws of the Commonwealth of Massachusetts
<b>immediately/ forthwith:</b>	shall be understood to mean without the loss of time; i.e., within three business days of the Town of Truro.
<b>may:</b>	shall imply "subject to."
<b>majority vote:</b>	shall mean the majority of those present providing that a quorum of the body is present in accordance with section 6-2-3 of this Charter.
<b>multi-member body:</b>	shall mean all boards, committees, commissions, or councils of the Town consisting of two or more persons, whether elected or appointed.
<b>removal:</b>	shall mean to dismiss from office, to terminate.
<b>shall:</b>	shall imply "must."
<b>Town:</b>	shall mean the Town of Truro.
<b>Town agencies:</b>	shall include any legal body of the Town not otherwise identified.
<b>Town Meeting:</b>	shall refer to Annual Town Meeting and/or Special Town Meeting.
<b>voters:</b>	shall mean all registered voters of the Town of Truro.
<b>voters, eligible:</b>	shall mean all voters whose names appear on the certified voting list on the final day of registration to establish eligibility for any election or Town Meeting.

## **Appendix B - Elected and appointed boards: Organizational Chart**

**Part 1.** Elected positions in accordance with the General Laws and section 6-3-1 of this Charter.

Voters elect:

A Moderator.

A Board of Selectmen of five members.

A School Committee of five members.

A Planning Board of seven members.

A Board of Library Trustees of five members, notwithstanding the provisions of Section 10 of chapter 78 of the General Laws.

A Housing Authority of four members in accordance with the General Laws.

A fifth member of the Housing Authority shall be appointed by the Commonwealth.

A Cemetery Commission of three members.

**Part 2.** Appointed positions in accordance with the General Laws and section 6-4-2 of this Charter.

The School Committee appoints a School Superintendent who appoints the School Personnel.

The Moderator appoints the Finance Committee.

The Board of Selectmen appoints the Town Administrator, Town Counsel and Public Safety Personnel:

Police Chief and Officers

Board of Fire Engineers

Constables

Civil Defense Director

And the following multi-member bodies:

### **Selectmen-Appointed Multi-Member Bodies**

Board of Health

Water Resources Advisory Committee

Recycling Committee

Conservation Commission

Beach Point Erosion Committee

Zoning Board of Appeals

Town Building Committee

Housing Partnership

Historical Review Board

Commission on Disabilities

Cable Advisory Committee

Local Comprehensive Plan Steering Committee

Town Employee Insurance Advisory Committee

Other Multi-Member Bodies

Regional Delegates

Other Inter-Governmental Representatives

Council on Aging

Board of Assessors

Beach Commission

Golf Course Advisory Commission

Pamet Harbor Commission

Recreation Commission

Truro Cultural Council

Truro Partnership

Historical Commission

Human Services Committee

*(171/1994, 119/2000)*

## **Appendix C - Revision/Amendment of the Charter**

The Charter may be changed in any of the three ways summarized below, in accordance with Massachusetts General Law:

1. Changes to the charter may be proposed by an article in the Town Meeting warrant that petitions the General Court (the state legislature) to pass a special act enabling the Town to make the proposed changes to the charter. Historically, such petitions have been acted upon by the legislature in six to nine months.  
**(Article 89, Section 8 of the Amendments to the Constitution of the Commonwealth of Massachusetts)**
2. The charter may be changed through an amendment process initiated by a selectman or a voters' petition proposing consideration of the amendments by Town Meeting. After the required publication and distribution of the amendments and public hearings on the proposed changes, and upon approval by two-thirds vote at Town Meeting, the amendments are put on the ballot at a regular Town election.  
**(Massachusetts General Laws, Chapter 43B)**
3. The Charter may be revised by an elected Charter Commission which drafts proposed revisions, publishes them and hold public hearings to consider the proposed changes. Final action is taken at a regular Town election.  
**(Massachusetts General Laws, Chapter 43B)**